UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,587	11/24/2003	Donna K. Hodges	BS030353	5018

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SCOTT P. ZIMMERMAN, PLLC
PO BOX 3822
CARY, NC 27519

EXAMINER
SIKRI, ANISH

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
01/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/720,587	HODGES ET AL.
	Examiner	Art Unit
	Anish Sikri	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 November 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☒ Claim(s) _15_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 November 2003_ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _11/02/2007_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 11/02/2007 been considered

by the Examiner and made of record in the application file.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.117(e), was filed in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37

CFR 1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/2007 has

been entered.

Claim Objections

Claim 15 is objected to because of the following informalities: the limitation in "a computer program product storing processor-executable instructions". There is insufficient antecedent basis for this limitation in the claim. It is suggested to use the term computer readable medium in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims **1-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the independent Claims 1, 14, 15, new matter is added for example – "when processing service is required, interrogating the another service provider to fulfill the processing service". Support cannot be found in the specifications relating to request for obtaining processing service.

For the claims amended 05/03/2007, Claim 1 was amended as "A method of providing communications services, comprising: receiving a request for communications service, the request for communications service originating from a client communications device associated with a user the request for communications service requesting communications service from a service provider, dynamically assessing in real-time an availability of a communications network operated by the service provider and ii) another communications network operated by another service provider; ascertaining a best-value scenario of at least one of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the request, the best-value scenario maximizing profitability for the service provider; and providing the communications service to fulfill the request, the communications service provided according to the best-value scenario".

And on 11/02/2007, the Claim 1, was amended stating, "A method of providing communications services, comprising: receiving a. request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service requesting communications service from a service provider; dynamically assessing in real-time an availability i) a communications network operated by the service provider and ii) another

communications network operated by another service provider; <u>when a **processing**</u>

<u>**service is required, interrogating the another service provider to**</u>

<u>**fulfill the processing service**</u>; ascertaining a best-value scenario <u>that maximizes</u>

<u>profitability for the service provider, the best-value scenario comprising,</u> of at least one

of segmentation, dispersion, assemblage, and routing of electronic data to fulfill the

request<u>, grouping together individual packets of data as a segment, each of the</u>

<u>individual packets of data in the segment requiting the processing service dispersing the</u>

<u>segment to the another service provider for fulfillment of the</u>

<u>processing service; receiving a result of the processing service from the another service</u>

<u>provider</u>; and providing the communications service to fulfill the request, the

communications service provided according to the best-value scenario.

The specification of the application does not show support for processing service

is required, especially when another service provided is contacted to fulfill the

processing service. Is the processing service the same as communication service? If

the processing service is different from the communication service, how is it determined

that a processing service is required? How would the another service provider fulfill the

processing service if it is uncertain on what processing service is?

Support for requesting communication services is amply provided in [0033] on

the specifications of the application. But the support for requesting for processing

service is not to be found.

The same premises of the arguments are similar for claims 14 and 15, as the subject matter is identical to claim 1 of the application.

The following claims 2, 4, 5, and 11 were amended on **05/03/2007** as follows

Claim 2) A method according to claim 1, further comprising interrogating to determine when the another service provided can provide the requested communications service.

Claim 4) A method according to claim 1, further comprising subcontracting at least some of the requested communications service to the another service provider.

Claim 5) A method of claim 2, further comprising receiving a response from the another service provider, the response including at least one of available network routing, available bandwidth, and pricing.

Claim 11) A method according to claim 1, further comprising sending a reservation to reserve a routing path.

And the following claims 2, 4, 5, and 11 were amended on **11/2/2007** as follows

Claim 2) A method according to claim 1, wherein grouping together the individual packets comprises grouping together the individual packets require a color correction

service offered by another service provider, and wherein receiving the result comprises

receiving the result of the color correction service.

Claim 4) A method according to claim 1, further comprising subcontracting the

processing service to the another service provider.

Claim 5) A method to claim 1, wherein grouping together the individual packets

comprises grouping together the individual packets that require a scaling service offered

by the another service provider, and wherein receiving the result comprises receiving

the result of the scaling service.

Claim 11) A method according to claim 1, further comprising: sending a

reservation to reserve a routing path, the reservation including an instruction to only

accept the packets of data having recognized header information and packet content,

the reservation specifying a window of time within which the packets of data must be

received; and when the packets of data arrive outside the window of time, then further

comprising queuing the packets of data for the processing service.

For Claim 2, How is the color correction service provided by the provider? (are

another providers used?)

For Claim 4, Is processing service the same as the communication service when

it is subcontracted to the another service provider.

For Claim 5, How is the scaling service provided by the provider?

For Claim 11, how are headers recognized along with their packet content? And how is the reservation window of time created when data packets are collected?

Claims **2, 4, 5, 11** disclose the use of color correction service (offered by another service provider), subcontracting processing to another service provider, scaling service processing (offered by another service provider), and instruction to accept packets having recognized header information and packet content respectively. Support for the dependent claims cannot be found in the specification of the application.
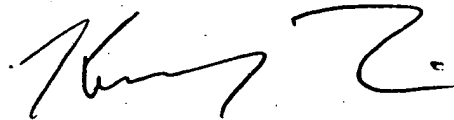
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Sikri whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri
a.s.

January 16, 2008